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RELEASED IN FULL

U14

From: Casper, Anne S
Sent: Friday, January 18, 2008 4:37 PM
To: Turner, Michael R
Subject: RE: one call on CIA tapes/secret prison
thx

Anne S. Casper

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From: Turner, Michael R
Sent: Friday, January 18, 2008 4:36 PM
To: Casper, Anne S; Entwistle, James F
Cc: Brown, Cynthia A
Subject: one call on CIA tapes/secret prison

Anne, Jim---

Just received a call from Shawn Crispin, Asia Times, asking about the CIA tapes/prison issue. I told him that we do not comment on intelligence matters and he seemed to understand. But he is working the story, so we'll see what Asia Times comes up with over the next few days.

This has been the only call we've received on this issue.

FYI---Jim, Shawn used to work for Far Eastern Economic Review, and was almost kicked out of the country in 2002 for writing an article about the tension between Thaksin and the King. The Embassy raised this issue with the PM's office. Eventually, Shawn was allowed to stay.

Michael R. Turner

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From: Bailes, Kenneth N
Sent: Tuesday, September 12, 2006 6:56 AM
To: Casper, Anne S
Cc: Stone, Laura M
Subject: RE: NYT article on USG interrogation in TH
Revised, cleared guidance will be included in today's e-mail from EAP/P.

From: Casper, Anne S
Sent: Monday, September 11, 2006 7:32 AM
To: Bailes, Kenneth N
Cc: Stone, Laura M
Subject: FW: NYT article on USG interrogation in TH

Fyi, Ken. We got hit with the article below this morning and put together guidance, just in case (still waiting for Front Office response too). Amazingly, no calls, but we'll see what comes up tomorrow.

Anne

From: Casper, Anne S
Sent: Monday, September 11, 2006 2:10 PM
To: Arvizu, Alex A; Sutton, Susan M
Cc: Stone, Laura M
Subject: FW: NYT article on USG interrogation in TH

I've added just a bit to Laura's guidance. So far, we have not had one call on this!

Anne

From: Stone, Laura M
Sent: Monday, September 11, 2006 12:31 PM
To: Casper, Anne S; Sutton, Susan M
Cc: Arvizu, Alex A
Subject: RE: NYT article on USG interrogation in TH

<< File: black site points.doc >>

Some suggested points, drawn mostly from Washington guidance. Just a starting point...

Not quite sure who needs to see this.

From: Casper, Anne S
Sent: Monday, September 11, 2006 11:45 AM
To: Sutton, Susan M
Cc: Stone, Laura M
Subject: RE: NYT article on USG interrogation in TH

Yes, thanks! We discussed it briefly at the Senior Staff. Amb's interview played Friday and Sunday on ITV in which he denied black sites in Ubon and, when pressed, denied any exist in Thailand at all. Laura is doing up some general guidance for clearance around.

From: Sutton, Susan M
Sent: Monday, September 11, 2006 11:22 AM

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To: Casper, Anne S
Subject: FW: NYT article on USG interrogation in TH

Presume you guys were already alerted to this?

From: Minor, James
Sent: Monday, September 11, 2006 10:38 AM
To: Sutton, Susan M; Crosby, Colin T; Lambert, Mark B; Salmon, Larry D
Cc: Fifflick, Paul J; Loftus, Andrew J; Turner, David L; Burkes, Robert A; O'Dell, Priscilla M
Subject: NYT article on USG interrogation in TH

From NYTimes on line article 9/10/06

James Minor

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September 10, 2006

At a Secret Interrogation, Dispute Flared Over Tactics

By **DAVID JOHNSTON**

WASHINGTON, Sept. 9 — Abu Zubaydah, the first Osama bin Laden henchman captured by the United States after the terrorist attacks of Sept. 11, 2001, was bloodied and feverish when a C.I.A. security team delivered him to a **secret safe house in Thailand** for interrogation in the early spring of 2002. Bullet fragments had ripped through his abdomen and groin during a firefight in Pakistan several days earlier when he had been captured.

The events that unfolded at the safe house over the next few weeks proved to be fateful for the Bush administration. Within days, Mr. Zubaydah was being subjected to coercive interrogation techniques — he was stripped, held in an icy room and jarred by earsplittingly loud music — the genesis of practices later adopted by some within the military, and widely used by the Central Intelligence Agency in handling prominent terrorism suspects at secret overseas prisons.

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President Bush pointedly cited the capture and interrogation of Mr. Zubaydah in his speech last Wednesday announcing the transfer of Mr. Zubaydah and 13 others to the American detention center in Guantánamo Bay, Cuba. And he used it to call for ratification of the tough techniques employed in the questioning.

But rather than the smooth process depicted by Mr. Bush, interviews with nearly a dozen current and former law enforcement and intelligence officials briefed on the process show, the interrogation of Mr. Zubaydah was fraught with sharp disputes, debates about the legality and utility of harsh interrogation methods, and a rupture between the Federal Bureau of Investigation and the C.I.A. that has yet to heal.

Some of those interviewed offered sharply contrasting accounts, but all said that the disagreements were intense. More than four years later, these disputes are foreshadowing the debate that Mr. Bush's new proposals are meeting in Congress, as lawmakers wrangle about what rules should apply as terrorism suspects are captured, questioned and, possibly, tried before military tribunals.

A reconstruction of Mr. Zubaydah's initial days of detention and interrogation, based on accounts by former and current law enforcement and intelligence officials in a series of recent interviews, provides the first detailed account of his treatment and the disputes and uncertainties that surrounded it. The basic chronology of how the capture and interrogation unfolded was described consistently by sources from a number of government agencies.

The officials spoke on the condition that they not be identified because many aspects of the handling of Mr. Zubaydah remain classified and because some of the officials may be witnesses in future prosecutions involving Mr. Zubaydah.

This week, President Bush said that he had not and never would approve the use of torture. The C.I.A. declined to discuss the specifics of the case on the record. At F.B.I. headquarters, officials refused to publicly discuss the interrogation of Mr. Zubaydah, citing what they said were "operational sensitivities."

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Some of the officials who were interviewed for this article were briefed on the events as they occurred. Others were provided with accounts of the interrogation later.

Before his capture, Mr. Zubaydah was regarded as a top bin Laden logistics chief who funneled recruits to training bases in Afghanistan and served as a communications link between Al Qaeda's leadership and extremists in other countries.

As interrogators dug into his activities, however, they scaled back their assessment somewhat, viewing him more as the terror network's personnel director and hotelier who ran a string of guest houses in Afghanistan and Pakistan.

Mr. Zubaydah's whereabouts in Pakistan had been determined in part through intercepted Internet communications, but for days after his capture his identity was in doubt. He had surgically altered his appearance and was using an alias. But when agents used a nickname for Mr. Zubaydah, he acknowledged his true identity, which was confirmed through analysis of his voice, facial structure and DNA tests.

By all accounts, Mr. Zubaydah's condition was rapidly deteriorating when he arrived in Thailand. Soon after his capture, Mr. Zubaydah nearly died of his infected wounds. At one point, he was covertly rushed to a hospital after C.I.A. medical officers warned that he might not survive if he did not receive more extensive medical treatment.

According to accounts from five former and current government officials who were briefed on the case, F.B.I. agents — accompanied by intelligence officers — initially questioned him using standard interview techniques. They bathed Mr. Zubaydah, changed his bandages, gave him water, urged improved medical care, and spoke with him in Arabic and English, languages in which he is fluent.

To convince him they knew details of his activities, the agents brought a box of blank audiotapes which they said contained recordings of his phone conversations, but were actually empty. As the F.B.I. worked with C.I.A.

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officers who were present, Mr. Zubaydah soon began to provide intelligence insights into Al Qaeda.

For the C.I.A., Mr. Zubaydah was a test case for an evolving new role, conceived after Sept. 11, in which the agency was to act as jailer and interrogator for terrorism suspects.

According to accounts by three former intelligence officials, the C.I.A. understood that the legal foundation for its role had been spelled out in a sweeping classified directive signed by Mr. Bush on Sept. 17, 2001. The directive, known as a memorandum of notification, authorized the C.I.A. for the first time to capture, detain and interrogate terrorism suspects, providing the foundation for what became its secret prison system.

That 2001 directive did not spell out specific guidelines for interrogations, however, and senior C.I.A. officials began in late 2001 and early 2002 to draw up a list of aggressive interrogation procedures that might be used against terrorism suspects. They consulted agency psychiatrists and foreign governments to identify effective techniques beyond standard interview practices.

After Mr. Zubaydah's capture, a C.I.A. interrogation team was dispatched from the agency's counterterrorism center to take the lead in his questioning, former law enforcement and intelligence officials said, and F.B.I. agents were withdrawn. The group included an agency consultant schooled in the harsher interrogation procedures to which American special forces are subjected in their training. Three former intelligence officials said the techniques had been drawn up on the basis of legal guidance from the Justice Department, but were not yet supported by a formal legal opinion.

In Thailand, the new C.I.A. team concluded that under standard questioning Mr. Zubaydah was revealing only a small fraction of what he knew, and decided that more aggressive techniques were warranted.

At times, Mr. Zubaydah, still weak from his wounds, was stripped and placed in a cell without a bunk or blankets. He stood or lay on the bare floor, sometimes with air-conditioning adjusted so that, one official said, Mr. Zubaydah seemed to turn blue. At other times, the interrogators piped in

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deafening blasts of music by groups like the Red Hot Chili Peppers. Sometimes, the interrogator would use simpler techniques, entering his cell to ask him to confess.

"You know what I want," the interrogator would say to him, according to one official's account, departing leaving Mr. Zubaydah to brood over his answer.

F.B.I. agents on the scene angrily protested the more aggressive approach, arguing that persuasion rather than coercion had succeeded. But leaders of the C.I.A. interrogation team were convinced that tougher tactics were warranted and said that the methods had been authorized by senior lawyers at the White House.

The agents appealed to their superiors but were told that the intelligence agency was in charge, the officials said. One law enforcement official who was aware of events as they occurred reacted with chagrin. "When you rough these guys up, all you do is fulfill their fantasies about what to expect from us," the official said.

Mr. Bush on Wednesday acknowledged the use of aggressive interview techniques, but only in the most general terms. "We knew that Zubaydah had more information that could save innocent lives, but he stopped talking," Mr. Bush said. He said the C.I.A. had used "an alternative set of procedures" after it became clear that Mr. Zubaydah "had received training on how to resist interrogation.

"These procedures were designed to be safe, to comply with our laws, our Constitution and our treaty obligations," Mr. Bush said. "The Department of Justice reviewed the authorized methods extensively and determined them to be lawful."

In his early interviews, Mr. Zubaydah had revealed what turned out to be important information, identifying Khalid Shaikh Mohammed — from a photo on a hand-held computer — as the chief planner of the Sept. 11 attacks. Mr. Zubaydah also identified Jose Padilla, an American citizen who has been charged with terrorism-related crimes.

But Mr. Zubaydah dismissed Mr. Padilla as a maladroitness extremist whose hope to construct a dirty bomb, using conventional explosives to disperse

radioactive materials, was far-fetched. He told his questioners that Mr. Padilla was ignorant on the subject of nuclear physics and believed he could separate plutonium from nuclear material by rapidly swinging over his head a bucket filled with fissionable material.

Crucial aspects of what happened during Mr. Zubaydah's interrogation are sharply disputed. Some former and current government officials briefed on the case, who were more closely allied with law enforcement, said Mr. Zubaydah cooperated with F.B.I. interviewers until the C.I.A. interrogation team arrived. They said that Mr. Zubaydah's resistance began after the agency interrogators began using more stringent tactics.

Other officials, more closely tied to intelligence agencies, dismissed that account, saying that the C.I.A. had supervised all interviews with Mr. Zubaydah, including those in which F.B.I. agents asked questions. These officials said that he proved a wily adversary. "He was lying, and things were going nowhere," one official briefed on the matter said of the early interviews. "It was clear that he had information about an imminent attack and time was of the essence."

Several officials said the belief that Mr. Zubaydah might have possessed critical information about a coming terrorist operation figured significantly in the decision to employ tougher tactics, even though it later became apparent he had no such knowledge.

"As the president has made clear, the fact of the matter is that Abu Zubaydah was defiant and evasive until the approved procedures were used," one government official said. "He soon began to provide information on key Al Qaeda operators to help us find and capture those responsible for the 9/11 attacks."

This official added, "When you are concerned that a hard-core terrorist has information about an imminent threat that could put innocent lives at risk, rapport-building and stroking aren't the top things on your agenda."

Douglas Jehl contributed reporting.